13th August 1963] [Sri V. Ramaiah]

at the time of their transfer to this State from the former Travancore-Cochin State in 1956. Consequent on the extension to the Shencottah taluk of the Cultivating Tenants Protection and Fair Rent Acts by Madras Act XXVIII of 1959 with effect from 2nd March 1960, the Holdings (Stay of Execution Proceedings) Act, ceased to be in force in that taluk. It is now in force only in the Kanyakumari district. The Act provides for the stay of proceedings in execution of a decree in a suit for the recovery of possession of a holding, in so far as they relate to the delivery of possession of the holding. The life of the Holdings (Stay of Execution Proceedings) Act, 1950, in its application to the Kanyakumari district, is due to expire on the 24th September 1963. Pending a decision on the policy to be adopted with regard to the land tenure systems prevalent in that district, it is considered expedient to extend the life of the Act by two years from 25th September 1963. The Bill seeks to achieve this object.

I request the House, Sir, to accept and pass the motion moved by me.

MR. SPEAKER: The question is—

"That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1963 be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI V. RAMAIAH: Sir, I move—

'That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1963 be passed.'

MR. SPEAKER: The question is—

'That the Holdings (Stay of Execution Proceedings) (Madras Amendment) Bill, 1963 be passed.'.

The motion was put and carried and the Bill was passed.

(7) THE MADRAS TENANTS AND RYOTS PROTECTION (AMENDMENT) BILL, 1963.

THE HON. SRI V. RAMAIAH: Mr. Speaker, Sir, I beg to introduce the Madras Tenants and Ryots Protection (Amendment) Bill, 1963[a], and move—

"That the Bill be taken into consideration."

Sir, the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949) was enacted in 1949 with a view to provide for the temporary protection against eviction, among others of the tenants of private lands in estates governed by the Madras

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[a] Published in the *Fort St. George Gazette* Extraordinary dated 24th July 1963.

Estates Land Act and against the sale of the holdings of the ryots in such estates and to provide for the stay of suits and other proceedings relating to such eviction and sale, pending the taking over of the estates by the Government under the Madars Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948).

The Act provided that during its continuance, no tenant of any private land in an estate shall be liable to be evicted by the landholder of the estate in pursuance of a decree or order for eviction and that no holding of a ryot in an estate shall be liable to be sold or brought to sale in pursuance of a decree, order or other proceedings for recovery of rent. It also laid down that all suits, proceedings in execution of decrees or orders and other proceedings for the eviction of such tenants from their lands or in which the sale of the holding of a ryot for recovery of rent was claimed shall stand stayed subject to certain conditions.

The Act was enacted originally for a period of two years in the first instance. It has been continued from time to time. The life of the Act was extended up to the 7th October 1963 when the Act was last amended in 1961.

The process of taking over estates under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948) is not yet completed, as some estates still remain to be taken over. The Madras Iruwaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 2 of 1962) is under the consideration of Joint Select Committee and it has just been presented to this House. Until all the estates are taken over, tenants of private land in estates should continue to have protection against the sale of their holdings for arrears of rent. The Government therefore consider that the Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949) should continue to be in operation for some time more. They have accordingly decided that the life of the Act, which is due to expire on 7th October 1963, should be extended for a further period of two years beyond that date. The Bill accordingly provides for extension of the life of the Act for a further period of two years from 7th October 1963, i.e., upto 7th October 1965. With these words I request the House to accept the motion.

MR. SPEAKER: The question is—

"That the Madras Tenants and Ryots Protection (Amendment) Bill, 1963 be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI V. RAMAIAH : Sir, I move—

" That the Madras Tenants and Ryots Protection (Amendment) Bill, 1953 be passed."

MR. SPEAKER : The question is—

" That the Madras Tenants and Ryots Protection (Amendment) Bill, 1963 be passed."

The motion was put and carried and the Bill was passed.

(8) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) AMENDMENT BILL, 1963.

THE HON. SRI V. RAMAIAH : Sir, I beg to introduce the Madras Estates (Abolition and Conversion into Ryotwari) Amendment Bill, 1963[a] and move—

" That the Bill be taken into consideration."

The Bill together with the Statement of Objects and Reasons was published in the *Fort St. George Gazette* (Extraordinary), dated 29th July 1963. While administering the provisions of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, it has been brought to the notice of Government that the existing provisions of the Act did not provide for payment of claims made to the Tribunal after the lapse of the time-limit prescribed. According to sub-section (1) of Section 42 of the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Madras Act XXVI of 1948) every person claiming the amount of compensation deposited or any portion thereof, should apply within six months from the date on which the amount was so deposited or within such further time as the Tribunal may, in its discretion, allow, but not exceeding six months. But under sub-section (2) of Section 42, every claim against the compensation which is not made to the Tribunal within the time aforesaid shall cease to be enforceable. This resulted in persons who did not apply in time, foregoing the compensation, the amount itself lying in deposit. It was not the intention that this amount should lapse to Government. Government only want that there should be no claims against amount already disbursed.

The present amendments give effect to this. Belated claims can be entertained subject only to not disturbing payments already made by the Tribunal or orders of payment already passed by it.

All amounts deposited and remaining unpaid with the Tribunal shall be withdrawn by the Tribunal and deposited in the District Court having jurisdiction over the estate concerned in the name of the estate or, as the case may be, in the name of the person or persons in whose favour an order for payment has been made by the Tribunal or Special Tribunal. Government are given the power to prescribe by rules the procedure for payment of such amounts by the District Court on application by parties. This provision will apply to—

(*a*) Advance compensation;

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a Published in the *Fort St. George Gazette* Extraordinary, dated 29th July 1963.